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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,136	02/22/2006	Aharon Ronen Mizrahi	35935	8484
67801 7590 01/29/2010 MARTIN D. MOYNIHAN d/b/a PRTSI, INC. P.O. BOX 16446 ARLINGTON, VA 22215				
EXAMINER				
JARRETT, SCOTT L				
ART UNIT		PAPER NUMBER		
3624				
MAIL DATE		DELIVERY MODE		
01/29/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/534,136

**Applicant(s)**

MIZRAHI ET AL.

**Examiner**

SCOTT L. JARRETT

**Art Unit**

3624

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 9, 12, 14-17, 19, 23, 46-56, 70-75 and 88-112 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 1,9,12,14-17,19,23,46-56,70-75 and 88-112.

### **DETAILED ACTION**

This office action is in response to Applicant's supplemental amendment filed May 5, 2005. Applicant's amendment amended claims 1, 19, 23, 46, 52, 70, and 73, canceled claims 2-8, 10-11, 13, 18, 20-22, 24-45, 57-69 and 76-87 and added new claims 88-112. Currently claims 1, 9, 12, 14-17, 19, 23, 46-56, 70-75 and 88-112 pending.

### ***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- I. Group I, claim(s) 1, 9, 12, 14-17, 19, 88-100, drawn to method of summarizing and adjusting a survey session.
- II. Group II, claim(s) 46-51, drawn to a method to generate the wording for a survey question.
- III. Group III, claim(s) 52-56, drawn to method selecting a delay period in a survey to avoid bias.
- IV. Group IV, claim(s) 70-72, drawn to method of survey statistical analysis.
- V. Group V, claim(s) 73-75, drawn to method of comparing the current state of a survey to a goal.
- VI. Group VI, claim(s) 101-112, drawn to method changing the order of survey questions.

The inventions are distinct, each from the other because:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

shown to be separately usable. In the instant case, Invention I is a method for summarizing and adjusting surveys based on the summary; Invention II is a method for generating the wording of survey questions in response to participant responses. Invention I has separate utility in adjusting the progression of a survey. Invention II has separate utility as a method for generating survey question wording.

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I is a method for summarizing and adjusting surveys based on the summary; Invention III is a method for delaying survey questions in response to avoid bias. Invention I has separate utility in adjusting the progression of a survey. Invention II has separate utility as a method for avoiding survey bias.

Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I is a method for summarizing and adjusting surveys based on the summary; Invention IV is a method for delaying survey questions in response to avoid bias. Invention I has separate utility in adjusting the progression of a survey. Invention IV has separate utility as a method for providing a second question in a survey based on a statistical distribution of answers to a first question.

Inventions I and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

shown to be separately usable. In the instant case, Invention I is a method for summarizing and adjusting surveys based on the summary; Invention IV is a method for delaying survey questions in response to avoid bias. Invention I has separate utility in adjusting the progression of a survey. Invention V has separate utility as a method for comparing the current state of a survey to a survey goal.

Inventions I and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I is a method for summarizing and adjusting surveys based on the summary; Invention IV is a method for delaying survey questions in response to avoid bias. Invention I has separate utility in adjusting the progression of a survey. Invention V has separate utility as a method for presenting survey questions to at least two respondents in different orders.

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II is a method for generating the wording of survey questions in response to participant responses; Invention III is a method for delaying survey questions in response to avoid bias. Invention II has a separate utilizing in generating the wording of survey questions in response to participant responses. Invention III has separate utility as a method for avoiding survey bias.

Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

shown to be separately usable. In the instant case, Invention II is a method for generating the wording of survey questions in response to participant responses; Invention IV is a method for providing a second question in a survey based on a statistical distribution of answers to a first question. Invention II has a separate utility in generating the wording of survey questions in response to participant responses. Invention IV has separate utility as a method for providing a second question in a survey based on a statistical distribution of answers to a first question.

Inventions II and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II is a method for generating the wording of survey questions in response to participant responses; Invention V is a method for comparing the current state of a survey to a survey goal. Invention II has a separate utility in generating the wording of survey questions in response to participant responses. Invention V has separate utility as a method for comparing the current state of a survey to a survey goal.

Inventions II and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II is a method for generating the wording of survey questions in response to participant responses; Invention VI is a method for providing participants with questions in different orders. Invention II has a separate utility in generating the wording of survey questions in

response to participant responses. Invention VI has separate utility as a method for presenting survey questions to at least two respondents in different orders.

Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention III is a method for delaying survey questions in response to avoid bias; Invention IV is a method for providing a second question based on the statistical distribution of answers to a first question.

Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II is a method for generating the wording of survey questions in response to participant responses; Invention V is a method for comparing the current state of a survey to a goal.

Inventions III and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II is a method for generating the wording of survey questions in response to participant responses; Invention VI is a method for providing participants with questions in different orders.

Invention IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention IV is a method for method



for providing a second question based on the statistical distribution of answers to a first question; Invention V is a method for comparing the current state of a survey to a goal.

Invention V and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention V is a method for comparing the current state of a survey to a goal; Invention VI is a method of displaying survey questions in different orders.

See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Groups I, II, III, IV, V or VI are not required for Groups I, II, III, IV, V or VI restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is (571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott L Jarrett/  
Primary Examiner, Art Unit 3624